

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 2153 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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LEGAL HEIR OF DECD.GOPALBHAI NPARMAR-SAVITABEN GOPALBHAI & 4

Versus

DRIVER OF TRUCK NO.GRN-4113 GOVUBHAI CHANDUBHAI

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Appearance:

MR HM PRACHCHHAK for Petitioners  
SERVED BY DS for Respondent No. 1  
SERVED BY RPAD for Respondent No. 2, 4  
MR RC JANI for Respondent No. 3

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 23/02/98

ORAL JUDGEMENT

Heard Mr H M Prachchak, the learned Advocate for the applicants and Mr R C Jani, learned Advocate for respondent No.3. The applicants are the legal heirs of deceased-Gopalbhai. Petitioner No.1 is widow and petitioners No.2 and 3 are the son and daughter and

petitioners No.4 and 5 are minor daughter and son of the deceased. The claim arise out an accident which alleged to have taken place as back as on 17.6.1989. The applicants are residents of Junagadh and the opponents No.1 and 3 are also from Junagadh. It is stated that rest of the persons are residing at different places. In view of this, it is submitted that the case may be transferred from Motor Accident Claims Tribunal, Ahmedabad (Rural) to Motor Accident Claims Tribunal, Junagadh. This prayer is being opposed by Mr R C Jani, appearing for the respondent No.3-Insurance Company of the Truck No.GRR 4113. It is submitted by Mr Jani, that there are four vehicles involved in the accident under reference. Three other claim petitions are also pending before the Motor Accident Tribunal, Ahmedabad. Thus, according to Mr Jani, it would not be expedient to single out the present case and transfer the same to Junagadh. So far as the three other claim cases are concerned, it is not in dispute that the applicants in one of the cases is from Porbandar. In other cases, the claimant is from Maharashtra. It is also stated that the MACT, Ahmedabad (Rural) is overloaded with claim cases. In spite of the fact that the accident took place in the year 1989, there is no progress in those cases. Thus, if a direction is given to transfer all the four claim cases to Junagadh, no inconvenience is likely to cause to the Insurance Company. So far as the second claim case is concerned, the claimant is from Porbandar and as such, Junagadh would be more closer to him. So far as the claimant in the third case is concerned, the claimant is from Maharashtra and it would not make any difference for him whether he attends the Court at Ahmedabad or Junagadh. It is of course true that they are not before me. But guided by larger interest of the parties, i.e. convenience and quick disposal of the claim cases, it is considered expedient to transfer all the four claim cases to Motor Accident Claims Tribunal, Junagadh from Motor Accidents Claim Tribunal, Ahmedabad (Rural). If any unheard parties have any serious objection, it would be open for them to approach this Court for recalling this order, but it must be at the earliest.

3. In view of the aforesaid, this Misc.Civil Application is allowed. Motor Accident Claims Petition No.738/91, 1704/91, 1450/91 and 1451/91 pending before the Motor Accident Claims Tribunal, Ahmedabad (Rural) stand transferred to the Court of Motor Accident Claims Tribunal, Junagadh. The Tribunal at Ahmedabad (Rural) shall inform the learned Advocates for the parties appearing in the said claim cases about the order of this Court. If a party is served and unrepresented,

information shall be sent by post.

Rule made absolute accordingly.

23.2.98 [N N Mathur, J]

msp.